

Claimant requested respondent to pay a hotel bill in the amount of \$671.40 incurred by claimant while she attended a pain management program in Wichita, Kansas, in June and July 1996. Respondent provided for the pain management program, mileage between Dodge City and Wichita, Kansas, and \$15 per day payment to defray claimant's board, lodging, and living expenses as provided for in K.S.A. 44-515(a).

The Administrative Law Judge denied claimant's request, finding claimant had settled her claim with the respondent on November 14, 1996, and respondent had paid the claimant the per diem as required by statute.

Claimant made a demand upon the respondent, first by telephone on July 11, 1996, and followed by a letter dated July 18, 1996, for payment of the \$671.40 hotel bill. Respondent refused to pay the hotel bill. Respondent had previously paid both mileage and \$15 per diem payment as originally requested by claimant's attorney in a letter to respondent dated June 20, 1996.

Following respondent's refusal to pay the hotel bill, claimant settled her claim for workers compensation benefits with the respondent in a settlement hearing held before Special Administrative Law Judge James R. Roth on November 14, 1996, in Wichita, Kansas. In that settlement hearing, the claimant did not raise the issue of payment of the hotel bill.

The Appeals Board finds that the payment of the \$671.40 hotel bill was in dispute at the time of the settlement hearing. Therefore, the claimant was obligated to raise as a disputed claim the payment of the hotel bill. The Appeals Board concludes, that since the issue was not raised, claimant waived her claim to such payment.

WHEREFORE, the Appeals Board finds the Order by Administrative Law Judge Kenneth S. Johnson dated August 4, 1997, that denied claimant's request for payment of \$671.40 hotel bill is affirmed.

IT IS SO ORDERED.

Dated this ____ day of October 1997.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Joseph Seiwert, Wichita, KS
Allyson H. Christman, Topeka, KS
Kenneth S. Johnson, Administrative Law Judge
Philip S. Harness, Director